

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DUN KUI ZHENG,

Petitioner,

V.

WARDEN HUDSON COUNTY
DETENTION,

Respondent.

Civil Action No. 18-1040 (JMV)

OPINION AND ORDER

APPEARANCES:

DUN KUI ZHENG
Hudson County Jail
30-35 Hackensack Avenue
Kearny, NJ 07032
Petitioner, *pro se*

CAROLINE A. SADLOWSKI, Esq.
United States Attorney's Office
970 Broad Street
Suite 700
Newark, NJ 07102
On behalf of Respondent

VAZQUEZ, United States District Judge

On January 24, 2018, Petitioner filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241, challenging his detention since July 19, 2017, by the U.S. Immigration and Customs Enforcement (“ICE”). (ECF No. 1, ¶11(a).) This Court ordered Respondent to answer the petition. (ECF No. 2.) On February 16, 2018, Respondent submitted a Release Notification and a Release Order, served upon and signed by Petitioner on January 30, 2018, indicating that Petitioner was

ordered released from custody on supervised release on January 30, 2018. (ECF No. 4-1.)

Respondent contends the habeas petition is moot. (ECF No. 4 at 1.)

A habeas petition “generally becomes moot when [a petitioner] is released from custody” because there is no longer “an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision.” *Vasquez v. Aviles*, 639 F. App’x 898, 902 (3d Cir. 2016) (quoting *DeFoy v. McCullough*, 393 F.3d 439, 442 (3d Cir. 2005)). The present petition no longer presents a case or controversy under Article III, § 2 of the United States Constitution because Petitioner is no longer detained by ICE. *See id.* (finding petition moot where there were no collateral consequences that could be addressed by success on the petition after removal) (citing *Abdala v. I.N.S.*, 488 F.3d 1061, 1064 (9th Cir. 2007)). Therefore, the petition is dismissed as moot.

IT IS, therefore, on this 26th day of February, 2018

ORDERED that Petitioner’s Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (ECF No. 1) is DISMISSED as moot; and it is further

ORDERED that the Clerk shall serve a copy of this Order on Petitioner at his last known address; and it is further

ORDERED that the Clerk shall close this matter.

s/ John Michael Vazquez
JOHN MICHAEL VAZQUEZ
United States District Judge